

STATE OF INDIANA) BEFORE THE CONSUMER PROTECTION DIVISION
) SS:
COUNTY OF MARION) CAUSE NO. 06-FR- 002

STATE OF INDIANA,)	FILED
)	
Petitioner,)	JUN 01 2006
)	
v.)	SPECIAL SERVICES
)	ALJ
ADVANTAGE FUND-RAISING)	
CONSULTING, INC.)	
)	
Respondent.)	

COMPLAINT

The Petitioner, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Matt Light, pursuant to the Professional Fundraiser Consultant and Solicitor Registration Act, Indiana Code § 23-7-8-1 *et. seq.*, and the Administrative Orders and Procedures Act, Indiana Code § 4-21.5-3 *et. seq.*, files its Complaint against Respondent, Advantage Fund-Raising Consulting, Inc., and in support alleges and states:

PARTIES

1. The Petitioner, State of Indiana, is an enforcing authority of Ind. Code § 23-7-8-1 *et. seq.*, and the Indiana Administrative Code, 11 IAC 3-1 *et. seq.*, and is authorized to bring this action pursuant to Ind. Code § 23-7-8-8(g).

2. The Respondent, Advantage Fund-Raising Consulting, Inc. ("Advantage"), is a New Jersey corporation with a principal place of business at 208 Passaic Avenue, Fairfield, New Jersey 07004.

3. Sheila O'Bryan McGrath is the Director of the Consumer Protection Division, Office of the Attorney General ("Division"), pursuant to Ind. Code § 4-6-9-2, and is the ultimate authority of the Division pursuant to Ind. Code § 4-21.5-1-15.

FACTS

4. At least since 1999, Respondent has acted as a professional solicitor on behalf of charitable organizations by soliciting persons residing in Indiana for contributions.

5. In 1999, Respondent initially became registered as a professional fundraiser solicitor with the Division.

6. On July 1, 2005 Respondent's professional solicitor registration lapsed.

PKD Foundation

7. On August 13, 2002, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of PKD Foundation, which is located in Kansas City, Missouri.

8. On August 13, 2002, Respondent filed with the Division a copy of Respondent's contract with PKD Foundation, which is dated May 16, 2002.

9. According to Respondent's solicitation notice with PKD Foundation, the solicitation campaign was projected to start on August 21, 2002 and end on June 1, 2005.

10. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file three (3) financial reports regarding its solicitation campaign with PKD Foundation. The first anniversary report covering the campaign period from August 21, 2002 to August 20, 2003 was required to be filed by November 18, 2003. The second anniversary report covering the

campaign period from August 21, 2003 to August 20, 2004 was required to be filed by November 18, 2004. Finally, the end-of-campaign report covering the entire campaign period was required to be filed by August 30, 2005.

11. Respondent failed to file with the Division, not later than ninety (90) days after the first anniversary of the commencement of the solicitation campaign with PKD Foundation, a financial report as required by Ind. Code § 23-7-8-2(f). Respondent filed an inaccurate and incomplete report on April 7, 2004 and has failed to file a completed report covering the correct campaign period.

12. Respondent failed to file with the Division, not later than ninety (90) days after the second anniversary of the commencement of the solicitation campaign with PKD Foundation, a financial report as required by Ind. Code § 23-7-8-2(f).

13. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with PKD Foundation ended, a financial report as required by Ind. Code § 23-7-8-2(f).

VIOLATIONS

14. Respondent is a "professional solicitor" as defined by Indiana Code § 23-7-8-1.

15. Respondent must comply with 11 IAC 3-1-1 through 11 IAC 3-8-4.

16. By failing to file complete and timely financial reports with the Division containing information concerning Respondent's campaign with PKD Foundation, as referred to in paragraphs eleven (11), twelve (12), and thirteen (13), above, Respondent violated 11 IAC 3-7-2 and Ind. Code § 23-7-8-2(f).

17. By failing to file complete and timely financial reports with the Division containing information concerning Respondent's campaign with PKD Foundation, as referred to in paragraphs eleven (11), twelve (12), and thirteen (13), above, Respondent may be assessed a fine, pursuant to 11 IAC 3-7-3(a), of up to One Hundred Dollars (\$ 100.00) for each month or part of a month that elapsed after the financial reports were due.

18. By failing to file complete and timely financial reports with the Division containing information concerning Respondent's campaign with PKD Foundation, as referred to in paragraphs eleven (11), twelve (12), and thirteen (13), above, Respondent's professional solicitor registration may be denied or revoked by the Division pursuant to Ind. Code § 23-7-8-2(f).

RELIEF

WHEREFORE, the Petitioner, State of Indiana, requests that the Division enter an order against Respondent for the following relief:

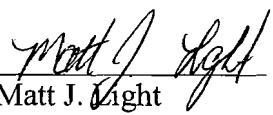
a. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's first anniversary report with PKD Foundation, covering the campaign period from August 21, 2002 to August 20, 2003;

b. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's second anniversary report with PKD Foundation, covering the campaign period from August 21, 2003 to August 20, 2004;

c. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with PKD Foundation, covering the entire campaign period from August 21, 2002 to June 1, 2005;

- d. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 18, 2003, that Respondent has failed to file a timely first anniversary financial report for Respondent's campaign with PKD Foundation;
- e. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 18, 2004, that Respondent has failed to file a timely second anniversary financial report for Respondent's campaign with PKD Foundation;
- f. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on August 30, 2005, that Respondent has failed to file a timely end-of-campaign financial report for Respondent's campaign with PKD Foundation;
- g. all other just and proper relief.

Respectfully submitted,
STEVE CARTER
Indiana Attorney General
Atty. No. 4150-64

By: 
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Deputy Attorney General
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